

# **Exhibit A**

1 IN THE UNITED STATES DISTRICT COURT

2 IN AND FOR THE DISTRICT OF DELAWARE

3 - - -  
4 TRUEPOSITION, INC., : CIVIL ACTION  
5 Plaintiff :  
6 vs. :  
7 ANDREW CORPORATION, :  
8 Defendant : NO. 05-747 (SLR)

9 - - -  
10 Wilmington, Delaware  
11 Monday, September 25, 2006  
12 4:38 o'clock, p.m.

13 BEFORE: HONORABLE SUE L. ROBINSON, Chief Judge  
14 - - -

15 APPEARANCES:

16 CONNOLLY, BOVE, LODGE & HUTZ LLP  
17 BY: JAMES D. HEISMAN, ESQ.

18 -and-

19 WOODCOCK WASHBURN LLP  
20 BY: PAUL B. MILCETIC, ESQ.  
21 (Philadelphia, Pennsylvania)

22 Counsel for Plaintiff

23  
24 Valerie J. Gunning  
25 Official Court Reporter

1 curious as to how, even if I said it is due tomorrow, what  
2 follow-up you could pursue anyway.

3 So the question is: Which are you more  
4 interested in? Well, theoretically, a more helpful  
5 supplementation, since you can't really technically pursue  
6 discovery anyway, or whether we should be pushing this  
7 forward. I don't know.

8 MR. DESMARAIS: I think the real concern here,  
9 your Honor, at least from my point of view, is our  
10 contentions might depend on their contentions. If they give  
11 us their infringement contentions on the last day of  
12 discovery, we can't update our infringement contentions until  
13 after the last -- you know, we have noninfringement  
14 contentions. We have validity contentions. And if we get  
15 theirs on the last day, ours can't be tailored to how they're  
16 interpreting their own claims.

17 So, you know, what I think we need is if -- I  
18 don't really care if they wait until October 25th, but then  
19 I've got to be able to respond to those allegations in  
20 supplemental interrogatory responses that we would like to  
21 serve that play off of what they say the allegations are. So  
22 if they wait until the end, we just need a little relief in  
23 our response to that.

24 THE COURT: In my summary of the schedule in this  
25 case, I do not really have when expert discovery, when expert

1 reports are due.

2 When are they due?

3 MR. MILCETIC: It's November 8th. November 8th  
4 they are due.

5 And this is Paul Milcetic again on behalf of True  
6 Position.

7 You know, we keep talking about we didn't give  
8 them our contentions. I would like you to take a look at  
9 this.

10 It's true, I agree that claim construction is  
11 absent here. In other words, there is no construction of the  
12 claims. I understand in your scheduling order that on  
13 November 1st, we're supposed to exchange a list of terms  
14 and then subsequently we're supposed to provide our  
15 construction. And, frankly, you know, based on my sense  
16 of the issues that Andrew has raised thus far in this case,  
17 it does not seem to me that many of the issues are really  
18 going to be issues for claim construction at the end of  
19 the day. In other words, even under Eric Andrews'  
20 narrow construction of the claims, there's going to be  
21 infringement here, so it really does not matter. But we  
22 will get to that.

23 THE COURT: All right. Well, this is what we're  
24 going to do.

25 Number one, with respect to the one document

1 versus the box of documents, that is a hard call in terms  
2 of whether it is fair or not, but it seems to me that  
3 without agreement by the parties, that the protocol kind  
4 of, or the practice established by plaintiff's experience  
5 is going to be what everyone proceeds on: That I'm going  
6 to require the destruction of the one inadvertently  
7 produced document.

8 With respect to the contention interrogatories,  
9 I'm going to give the plaintiff until October 18 to  
10 supplement their infringement contentions. If they choose to  
11 on the physical components, I am certainly -- I am just not  
12 going to get into whether it's sufficient now. If they  
13 choose to do it, they can. If they don't, they don't, but  
14 certainly the software limitations need to be supplemented  
15 based on access to the source code.

16 That means that defendant needs to supplement  
17 its infringement and validity, noninfringement and validity  
18 contentions on or before November -- well, actually, on  
19 or before October 25, so that everyone has everything in  
20 hand before the claim construction is due on November 1.  
21 All right?

22 All right. Are there any other issues aside from  
23 the prospect of another meeting if there are any outstanding  
24 issues?

25 MR. MILCETIC: I just wanted a point of

# **Exhibit B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TruePosition, Inc.,	)	
	)	
Plaintiff/	)	
Counterclaim-Defendant,	)	
	)	Civil Action No. 05-747-SLR
v.	)	
	)	
Andrew Corporation,	)	CONFIDENTIAL
	)	
Defendant/	)	
Counterclaim-Plaintiff.	)	
_____	)	

PLAINTIFF'S SEVENTH SUPPLEMENTAL RESPONSES  
TO DEFENDANTS FIRST INTERROGATORIES

Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Plaintiff, TruePosition, Inc. ("TruePosition"), hereby further responds to Defendant, Andrew Corporation's ("Andrew's") Interrogatory No. 6 of Andrew's First Interrogatories.

TruePosition continues to reserve all objections to the competency, relevancy, materiality, or admissibility at trial of any response to the propounded interrogatories, or to any document produced in response thereto, and reserves the right to amend, modify, or supplement its responses or objections herein, or to move for a protective order.

Andrew also supplied from the U.S. components of the patented invention that were “especially made or especially adapted for use in the invention” and were “not suitable for substantial non-infringing use” as required by 35 U.S.C. §271(f)(2). Specifically, Andrew supplied components of the systems and methods described in the foregoing infringement charts that were specifically adapted for use in those systems and methods and that were not suitable for use in other systems or methods.

TruePosition will provide its claim construction contentions in accordance with the Court’s scheduling order and after the parties have worked together to determine which claim terms are in dispute.

As discovery is ongoing, TruePosition reserves the right to supplement, amplify or amend this interrogatory response either in a future interrogatory response or in its expert report.

**INTERROGATORY NO. 7:**

State the basis for the allegation in paragraph 24 of the Complaint that “Andrew’s infringement has been willful and deliberate.”

**RESPONSE TO INTERROGATORY NO. 7:**

TruePosition objects to this interrogatory as premature and untimely to the extent that it demands trial contentions at this stage in discovery. TruePosition’s analysis is continuing.

Subject to the foregoing general and specific objections, and without waiving those objections, TruePosition responds as follows:

Joseph Kennedy, a high level Andrew employee in Andrew’s Network Solutions Division, has known about the 144 Patent since soon after it issued in 1994 (*see* Andrew’s Responses to TruePosition’s Interrogatory 4).



Interrogatory No. 16 (Marking of TruePosition's Geolocation System) – Rob Anderson, Chief Technology Officer at TruePosition, has knowledge of marking of TruePosition's Geolocation System.

Interrogatory No. 17 (Prior Art) - Michael Stein, Esq. has knowledge of the prior art searches described in TruePosition's response to Interrogatory No. 17.

TruePosition's interrogatory responses are based upon information obtained from at least the following individuals at TruePosition: Joseph Sheehan, Rob Anderson and Bob Gross.

DATED: November 6, 2006

By: /s/ Daniel J. Goettle

Dale M. Heist  
Paul B. Milcetic  
David L. Marcus  
Kathleen A. Milsark  
Daniel J. Goettle  
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Philadelphia, PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439

James D. Heisman, Esq.  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 N. Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
Telephone: (302) 658-9141  
Facsimile: (212) 558-3588

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TruePosition, Inc.,	)	
	)	
Plaintiff/	)	
Counterclaim-Defendant,	)	
	)	Civil Action No. 05-747-SLR
v.	)	
	)	
Andrew Corporation,	)	
	)	
Defendant/	)	
Counterclaim-Plaintiff.	)	
_____	)	

CERTIFICATE OF SERVICE

I, Daniel J. Goettle, hereby certify that on this 6<sup>th</sup> day of November, 2006, I served the foregoing TruePosition's Seventh Supplemental Responses to Defendant's First Interrogatories on counsel for defendant Andrew Corporation as follows:

*Via Electronic Mail, Return Receipt Requested*

Rachel Pernic-Waldron  
Kirkland & Ellis LLP  
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The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19801  
jingersoll@ycst.com

/s/ Daniel J. Goettle  
Daniel J. Goettle

# Exhibit C

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC.,	)	
	)	
PLAINTIFF/	)	
COUNTERCLAIM- DEFENDANT,	)	
	)	
	)	
v.	)	CIVIL ACTION NO. 05-00747-SLR
	)	
ANDREW CORPORATION,	)	
	)	
DEFENDANT/	)	
COUNTERCLAIM-PLAINTIFF.	)	

ANDREW CORPORATION'S SUPPLEMENTAL RESPONSES TO  
TRUEPOSITION'S INTERROGATORY NOS. 3 AND 7

Pursuant to Rules 26(e) and 33 of the Federal Rules of Civil Procedure, Andrew Corporation hereby supplements its responses to TruePosition's Interrogatory Nos. 3 and 7. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, Andrew expressly reserves the right to supplement these responses further.

**Interrogatory No. 3**

State the factual basis for the allegation in paragraph 8 of the Counterclaims section of Andrew's Answer that "Andrew has not infringed the '144 Patent, and Andrew's supply of services and/or equipment has not infringed and will not infringe the '144 Patent."

**Response:**

Subject to and without waiving its General Objections, Andrew responds as follows:

TruePosition accuses Andrew of infringing only claims 1, 2, 22, 31 and 32 of the '144 Patent. See Plaintiff's Seventh Supplemental Responses to Defendants' First Interrogatories.

voice/traffic channel and have no control over the type of signal that is received and used in locating the phone, Andrew's accused products will have a substantial non-infringing use regardless of how TruePosition tries to interpret the '144 Patent claims. Thus, Andrew cannot contributorily infringe the '144 Patent as a matter of law.

Likewise, there can be no inducement of infringement because Andrew has not induced anyone to infringe the '144 Patent, nor has Andrew had any specific intent to encourage anyone to infringe the '144 Patent. Each claim of the '144 Patent requires cellular phones to be located on the cellular system's reverse control channel. As explained above, Andrew's accused products will locate cellular phones on the cellular system's voice/traffic channel and have no control over the type of signal that is received and used in locating the phone. Nor does Andrew instruct or encourage anyone to use any specific type of channel to locate cellular phones.

B. Andrew's accused products also lack many other limitations of the '144 Patent claims, including without limitation, the "means for processing said frames of data," "means for determining" and "reverse control channels" required by claims 1-21, the "locating means for automatically determining," the "database means" and "reverse control channels" required by claims 22-30, and the "processing said signals at each cell site to produce frames of data," "determining" and "reverse control channels" required by claims 31-45. Andrew notes that TruePosition still has not identified the alleged corresponding structure in the '144 Patent for any of the means-plus-function limitations in the asserted claims. Rather, TruePosition has provided only vague allegations that lack the specificity required for Andrew to respond in any detail.

\* \* \*

Andrew reserves the right to supplement, modify and/or amend its answer to this interrogatory.

Dated: November 8, 2006

**YOUNG CONAWAY STARGATT & TAYLOR, LLP**



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*Attorneys for Defendant and Counter-Claim Plaintiff  
Andrew Corporation*

**CERTIFICATE OF SERVICE**

I, Andrew A. Lundgren, hereby certify that on November 8, 2006, copies of the foregoing document were served on the following counsel of record in the manner indicated:

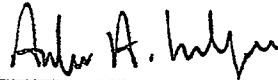
**BY HAND DELIVERY**

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Philadelphia, PA 19103

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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# **Exhibit D**



Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

-----X  
TRUEPOSITION, INC., )  
Plaintiff, )  
v. ) Civil Action  
ANDREW CORPORATION, ) No. 05-747  
Defendant. )  
-----X

Videotaped Deposition of

JOHN P. CARLSON

Washington, D.C.

Monday, October 2, 2006

9:04 a.m.

Job No.: 22-87717

Pages 1 - 228

Reported By: Joan V. Cain

Virginia CCR No. 0315117

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1 JOHN. P. CARLSON

13:12:18 2 the code at all?

13:12:23 3 A I'm not sure.

13:12:25 4 Q Is -- is there a mathematical equation that  
13:12:27 5 expresses the ambiguity functions?

13:12:29 6 A Probably.

13:12:30 7 Q Do you know it?

13:12:40 8 A Yes, I think so.

13:12:45 9 Q Would you mind if we go through another  
13:12:48 10 exercise with writing? This would be Exhibit 114,  
13:12:51 11 and I'd ask you to write the equation down for me.  
13:12:55 12 Okay?

13:12:56 13 MR. PARKS: And, again, just so the  
13:12:58 14 record's clear that Mr. Carlson is a fact witness.  
13:13:01 15 He's not here to give expert testimony or opinion  
13:13:03 16 testimony.

13:13:03 17 MR. MILCETIC: We are not treating  
13:13:04 18 Mr. Carlson as an expert witness. Just trying to  
13:13:07 19 find out what he knows about the Geometrix system,  
13:13:10 20 that's all.

13:13:11 21 MR. PARKS: So, you want him to draw the  
13:13:13 22 equation for the ambiguity function as relates to  
13:13:16 23 the Geometrix system; is that right?

13:13:19 24 MR. MILCETIC: Yes. Yes.

13:13:22 25 BY MR. MILCETIC:

1 JOHN. P. CARLSON

13:13:22 2 Q All right. The court reporter is going to  
13:13:24 3 hand you a blank piece of paper which she's going to  
13:13:27 4 mark as -- or I'm going to hand you a blank piece of  
13:13:30 5 paper, which she is going to mark as Exhibit P-114.

13:13:36 6 (Plaintiff's Deposition Exhibit 114  
7 was marked for identification and was attached to  
13:13:37 8 the deposition transcript.)

13:13:48 9 BY MR. MILCETIC:

13:13:50 10 Q Do you have the blank piece of paper in  
13:13:54 11 front of you?

13:13:54 12 A Yes, I do.

13:13:55 13 Q To the best of your knowledge, would you  
13:13:57 14 write out the equation that represents the ambiguity  
13:14:00 15 function?

13:14:52 16 A I'm sorry. I believe that's right.

13:14:55 17 Q You just drew or wrote some equation on the  
13:15:03 18 blank piece of paper that's been marked as  
13:15:06 19 Exhibit 114, right?

13:15:09 20 A Yes.

13:15:10 21 Q To most people, that would look like Greek,  
13:15:17 22 but you presumably have some understanding of what  
13:15:19 23 you just wrote, right?

13:15:21 24 A Yes.

13:15:21 25 Q Can we go through from the left side to the

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# **Exhibit E**

Highly Confidential  
Michael Hoppman November 15, 2006

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TRUEPOSITION, INC.,  
Plaintiff,

v. Civil Action  
No. 05-747

ANDREW CORPORATION,  
Defendant.

Videotaped 30(b)(6) Deposition of  
MICHAEL HOPPMAN  
Philadelphia, Pennsylvania  
WEDNESDAY, NOVEMBER 15, 2006  
9:17 a.m.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Job No: 25500138  
Pages 1-119  
Reported By: Christine M. Baird, CRR

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Highly Confidential  
Michael Hoppman November 15, 2006

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Michael Hoppman November 15, 2006

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Highly Confidential  
Michael Hoppman November 15, 2006

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Michael Hoppman November 15, 2006

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# **Exhibit F**

Oded Gottesman, Ph.D. January 11, 2007

Page 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

- - -  
TRUEPOSITION, INC., )  
Plaintiff/Counterclaim )  
Defendant, )  
 )  
vs. ) C.A. No. 05-00747-SLR  
 )  
ANDREW CORPORATION, )  
Defendant/ )  
Counterclaim Plaintiff.)  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF ODED GOTTESMAN, Ph.D.

VOLUME I

Philadelphia, Pennsylvania

Thursday, January 11, 2007

8:52 a.m.

Job No.: 25500247

Pages: 1 - 284

Reported By: Debra A. Whitehead

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Oded Gottesman, Ph.D. January 11, 2007

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Oded Gottesman, Ph.D. January 11, 2007

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Oded Gottesman, Ph.D. January 11, 2007

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Legalink Chicago Merrill Legal Solutions  
Tel: (312) 263-3524 Fax: (312) 263-3544

# Exhibit G



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

## EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) M. Stein (Attorney) (3) Sh. Quing (PTO)  
(2) L. Sulp (Applicant) (4) \_\_\_\_\_

Date of interview 10-4-93Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☐ No. If yes, brief description: \_\_\_\_\_Agreement ☐ was reached with respect to some or all of the claims in question. ☒ was not reached.Claims discussed: 1Identification of prior art discussed: Sagey and SongDescription of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed

additional hardware required by special spread spectrum processor  
used in Sagey and the different use of the control signal of  
Song, forward as opposed to reverse channel control.

[A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.]

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., Items 1-7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

☐ Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.

PTOL-413 (REV. 1-84)

Shengfa Quing  
Examiner's Signature

ORIGINAL FOR INSERTION IN RIGHT HAND FLAP OF FILE WRAPPER



# **Exhibit H**

**CONFIDENTIAL -- SUBJECT TO PROTECTIVE ORDER**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TRUEPOSITION, INC.,

Plaintiff and Counterclaim Defendant,

v.

ANDREW CORP.,

Defendant and Counterclaim Plaintiff.

Case No. 05-0747-SLR

*Confidential*

*Subject to Protective Order*

**EXPERT REPORT OF CARLA S. MULHERN**

**DECEMBER 1, 2006**

**CONFIDENTIAL -- SUBJECT TO PROTECTIVE ORDER**



# Exhibit I

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

TRUEPOSITION, INC.,

Plaintiff/Counterclaim-Defendant

vs.

CA No. 05-00747-SLR

ANDREW CORPORATION,

Defendant/Counterclaim-Plaintiff

---

VIDEOTAPED DEPOSITION OF DR. DAVID GOODMAN

New York, New York

Monday, January 15, 2007

Reported by:  
Adrienne M. Mignano  
JOB NO. 190791

Esquire Deposition Services  
(215) 988-9191

C 37

793958b0-9d46-4d36-bbfc-5c2a24482dd7

1 Goodman

2 A. Yes.

3 Q. Do you interpret the phrase  
4 subscribers possessing mobile cellular  
5 telephones in the claims in the same way that  
6 Andrew interprets it?

7 A. Am I allowed to ask for help to  
8 find it in the patent?

9 Q. Claim 22 would be an excellent  
10 place to look.

11 A. Thank you very much.

12 Q. In particular --

13 A. The plurality --

14 Q. The preamble, I think has that  
15 exact phrase.

16 A. Yes.

17 Is there a question?

18 Q. The question is whether you  
19 interpret the phrase subscribers possess  
20 mobile cellular telephones in claim 22 the  
21 same way Andrew has proposed to construe that  
22 claimed phrase?

23 A. Yes.

24 Q. This is the last one I'm going to  
25 ask you --

1 Goodman

2 A. Would you like me to write it?

3 Q. Yes, whatever you think is  
4 accurate; you can certainly use shorthand.

5 A. Okay.

6 Q. Have you written something on  
7 Exhibit 465?

8 A. I have.

9 Q. Do you mind telling me what it  
10 says?

11 A. It says "Claim 22" and it says,  
12 "subscribers possessing ... equals" and then  
13 it says "see Exhibit 301."

14 Q. I'm going to give you a break on  
15 the last one, so we're finished with going  
16 through Exhibit 301.

17 MS. WALDRON: If you're finished  
18 with that line of questioning, earlier  
19 off the record before Dr. Goodman's  
20 dep began, I told you we would be  
21 submitting new corrections and we  
22 agreed that Andrew and TruePosition  
23 would talk.

24 MR. MILCETIC: We're still going  
25 to be talking. I can't make any



1 Goodman  
2 representation that TruePosition is  
3 going to change any of its  
4 constructions, because I think we are  
5 done with our constructions, it's  
6 unlikely that we'll change them.

7 What I wanted to find out from  
8 Dr. Goodman what the claims meant  
9 because he has written reports in this  
10 case.

11 MS. WALDRON: I wanted to make  
12 that clear since we made it clear that  
13 Andrew would be submitting new ones to  
14 TruePosition.

15 BY MR. MILCETIC:

16 Q. Dr. Goodman, can you turn now to  
17 your invalidity report, which I believe we  
18 have already marked as Exhibit 300.

19 A. I have it.

20 Q. Are you the author of this report?

21 A. Yes.

22 Q. When did you start preparing it?

23 A. I believe it was early November.

24 Q. Where were you when you prepared  
25 the report?

1 Goodman

2 A. At -- I don't mean to be pedantic,  
3 when you said prepared, do you mean started  
4 typing the words or started thinking about  
5 them?

6 Q. Actually writing the words in the  
7 report.

8 A. I was in New York, in my apartment  
9 in New York.

10 Q. Did you get any assistance in  
11 preparing the report?

12 MS. WALDRON: Objection. Vague.

13 A. Yes.

14 Q. From who?

15 A. From the lawyers at Kirkland &  
16 Ellis.

17 Q. What type of assistance did they  
18 provide?

19 A. I asked them to supply text for  
20 legal standards, opinions and bases of these  
21 opinions, and I suppose it was Ms. Waldron,  
22 but somehow that arrived in some form, I  
23 guess in an e-mail. I don't remember  
24 exactly. They also helped me by transcribing  
25 the narrative, or at least drafting this